

REMARKS

The Office Action dated August 9, 2005 has been read and carefully considered and the present amendment submitted to clarify the claims to better define the invention.

In particular, the non-elected claims that are withdrawn from consideration in the present application, that is, claims 3, 4, 13-18, 31-39, 56-58 have now been canceled without prejudice. As suggested in the Office Action claim 11 has also been canceled as being properly included in the non-elected species. As also indicated in the Office Action, the dependency of claim 12 has been corrected to now depend from claim 9 rather than claim 14.

Various other amendments to the specification have also been made herein in the manner suggested by the Examiner and it is believed that all of the changes pointed out by the Examiner have now been made.

In Figure 7A, a corrected drawing is submitted herewith labeled "Replacement Sheet" and a further copy of that Figure is submitted showing the correction in red wherein the rail connector is properly identified by the numeral 82. In addition, new Figures 8 and 8A and Figures 10 and 10A have been included to set forth the particular lines through which the cross sectional views have been taken in order to clarify those cross sectional views. Again, Replacement Sheets for those drawings are submitted along with copies showing the changes in red to illustrate those changes.

Claims 1 2, 5-12, 19-30 40-55 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to that rejection Applicants conducted a personal interview with Examiner Grosz in order to better explain the present invention and to point out more specifically, the various Figures where the claimed elements of the invention could be found. Applicant would like to thank Examiner Grosz for the very helpful and courteous interview and it is believed that many issues were clarified. In that interview, the prior art was discussed as well as a feature of Applicant's invention wherein the

connection between a cross member of a bed frame is actually affixed to the side rail by means of a “snap in” system and which was submitted as being different and more positive than a mere friction interfitting of the ends of a cross member with a side rail.

As such, all of the independent claims have now been amended to better recite that feature of Applicants invention. Taking claim 1 as an example, it is now recited that the support member that joins two parallel sides of a bed frame is “snapped” into receptacles of the parallel sides and further wherein that “snapping” type of interfit is more than a simple friction fit. As pointed out during the interview, there is a positive snapping action with the present invention such that the ends of the support member can be readily attached to the two parallel sides of the bed frame by a installer without the use of tools, however, once snapped into the joined relationship, the support member cannot be thereafter detached without the use of tools or at least some physical prying and moving of the receptacle.

The “snap in” junction of the present invention therefore makes it easy to join the component together but difficult to separate and the “snapping” action is due to the deformation of the receptacle wherein as the end of the support member is inserted into a receptacle, the receptacle itself is deformed and actually opens up to allow the end of the support member to interfit thereto. Once that junction has been completed in assembling a bed frame, the receptacle provides a positive catch of the end of the support member thereto. The receptacle can return fully to its un-deformed state or may remain slight deformed, however, in either case there is some actual deformation of the receptacle that brings about a positive, locked fit between the end of the support member and the parallel sides of the bed frame that do not easily come apart.

Accordingly, the newly added language to claim 1 now makes it clear that as the ends of the support member are snapped into the receptacles, the “receptacles are deformed” such that the positive action of joining those ends to the parallel sides is achieved.

In a similar manner, claim 7 also as been amended to recite that the end brackets are snap fitted into the receptacles “by causing deformation of the receptacles (82) as said end brackets (72) are snap fitted to the receptacles (82)”. Again it is clear that the newly amended claim 7 is directed to the deformation of the receptacle as the end bracket is inserted into the

receptacle and, although not specifically recited in the claim language, once that deformation of the receptacle has taken place, the receptacle returns to or near its non-deformed state.

Finally, in claims 40 and 52, similar language has been included in the claims to recite the deformation of the rail connectors (claim 40) and the “folded metal bracket” (claim 52).

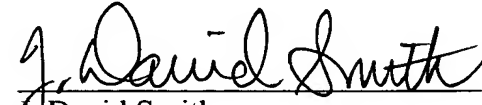
It is submitted that the cited prior art neither discloses nor suggests the use of deformation of the receptacle when the end of a support member is affixed thereto and, with the present invention relating to a bed frame, that feature is advantageous since the installer can set up a bed frame without the use of tools and yet make a connection between the cross member and the side rails. Once connected, however, tools are required to separate the cross member from a side rail so the bed frame owner is assured that the components of the bed frame are solidly and positively locked together.

In particular, the prior art cited reference of the French Patent 2,549,912 illustrates a bracket or receptacle mounted to a wooden frame member and it can be seen that there is no deformation of the receptacle as the apparatus is assembled. The receptacle that is affixed to the side rail in the French Patent has no means to deform and the connection itself is intended to allow vertical movement between the bed slat and the side rail. With the present connection, the deformable receptacle is the component affixed or a part of the side rail and the snap in is positive and is not constructed to allow any movement therebetween once the support member has been snapped to the side rail.

A review of the other cited prior art references fail to show or suggest the use of a deformable receptacle that is affixed to the side rail of a bed frame so that the cross or support member can be firmly and positively snapped into position without the use of tools and make a solid connection that prevents the support member from being easily detached from that side rail.

It is therefore submitted that the claims, as now amended, are allowable over the cited art and an allowance of the present application is respectfully solicited.

Respectfully submitted,

  
J. David Smith  
Attorney for Applicant  
Registration No. 39,839

KLAUBER & JACKSON  
411 Hackensack Avenue  
Hackensack, NJ 07601  
(201) 487-5800

9/25

FIG. 6

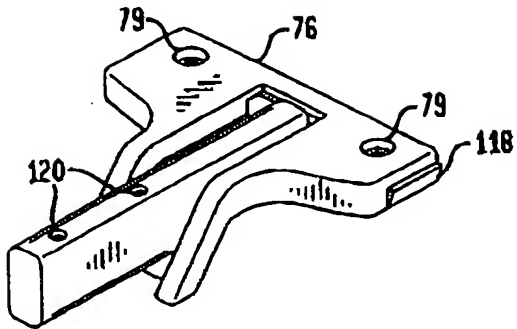


FIG. 7A

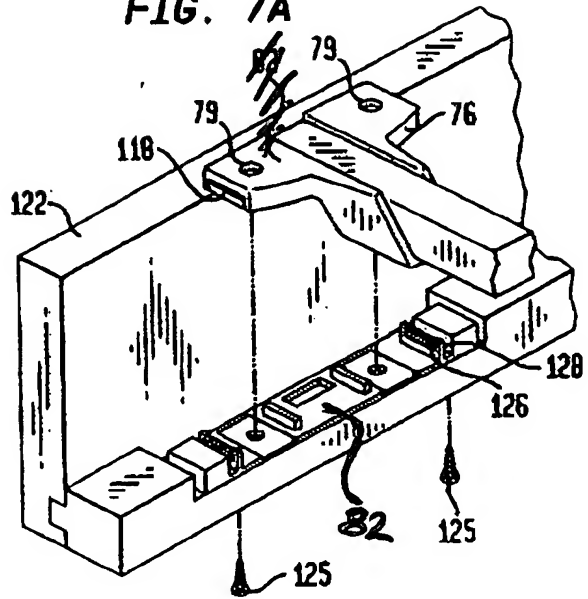
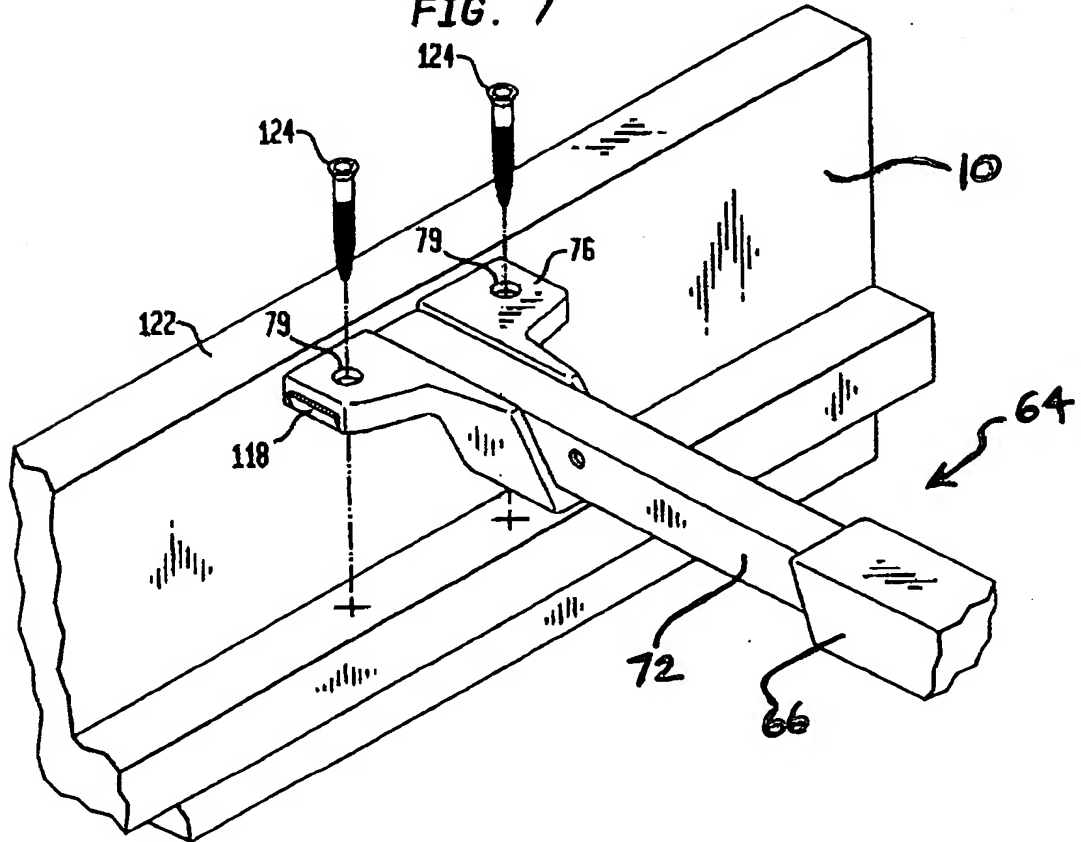


FIG. 7



10/25

FIG. 8

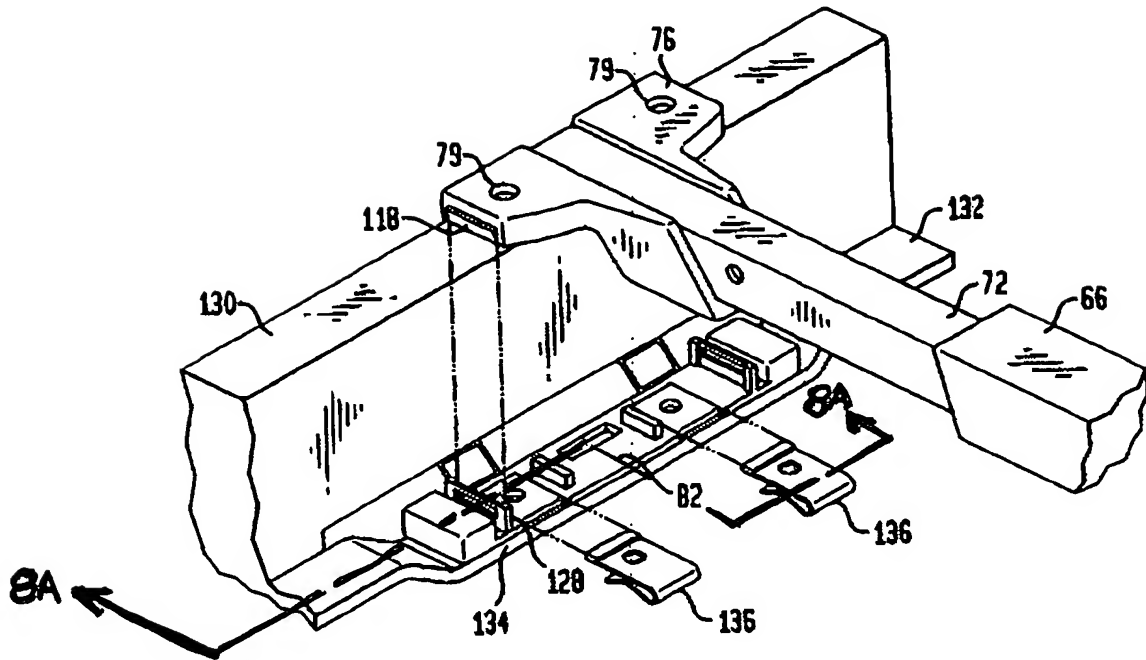
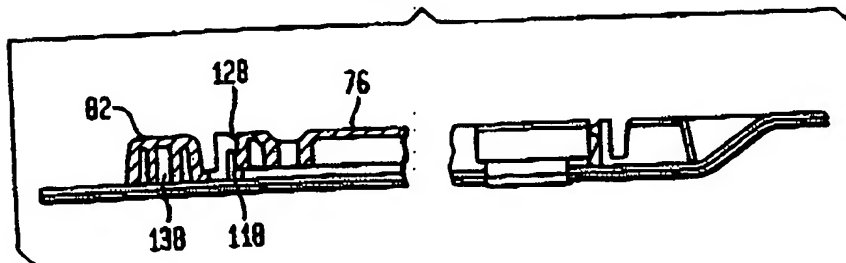


FIG. 8A



11/25

FIG. 9

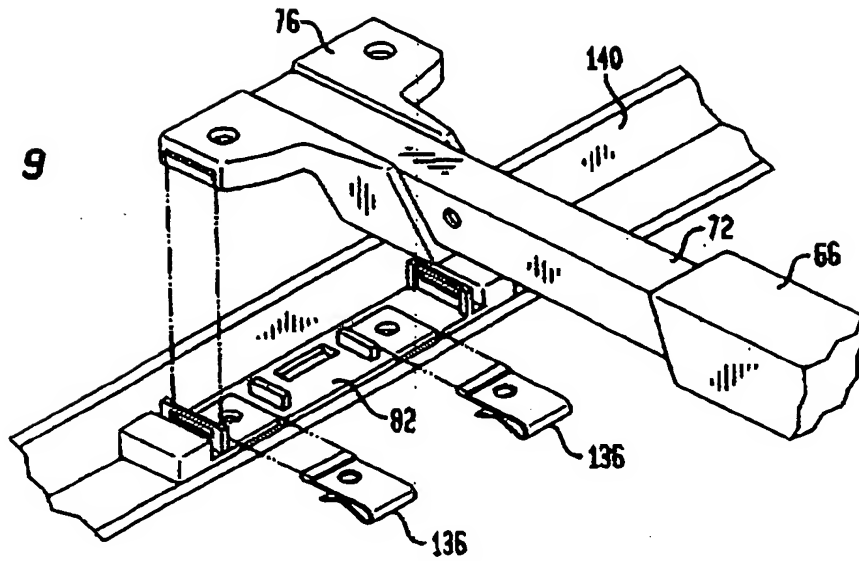


FIG. 10

